

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held April 4, 2006

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:37 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; Dianne Moran, Planning and Zoning Officer, James Snyder, Herbert, Rowland and Grubic, Inc; William Laird, Sr.; Eric Pierce, Esq.; and Kevin Ricker.

Pledge of Allegiance

Mr. Seeds led the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Hawk noted that there were no minutes to approve.

Public Comment

No public comment was presented.

Chairman & Board Members' Comments

Mr. Hawk noted that Daniel Hensch from Boy Scout Troop 68 of the United Methodist Church was present at the meeting to work on his Communications merit badge.

Manager's Report

Mr. Wolfe explained that Possibility Place is a playground that will be constructed as a community effort at the Thomas B. George Jr. Park. He noted that the park is nearing completion, and will begin to open to the public later this year. He noted that a local recreation group, Inspired Recreation, is in the process of conducting a community campaign to build Possibility Place. He explained that Possibility Place is a playground facility that is accessible to individuals of all abilities as it will be ADA accessible, providing play opportunities for young and old alike regardless of disability. He noted that on April 5th, the Inspired Recreation Group will hold a press conference concerning the new playground at the Thomas B. George Jr. Park at 10 a.m. He noted that the community will be constructing the park, but help is still needed to pay and build the playground. He noted that the website for the group is inspiredrecreation.org.

Mr. Wolfe noted that United Water PA will start their semi-annual line flushing program being April 3, 2006 and will continue through until mid-June. He noted that the line flushing would occur between the hours of 7 a.m. and 3:30 p.m. daily, and any questions regarding the program should be addressed to United Water of PA.

Mr. Wolfe noted that the Koons Park Pool Board is seeking volunteers to reopen the pool. He noted that the organization provides for a community-based pool on a pay-as-you-go basis. He noted that the organization is in need of volunteers to assist in running the pool, providing for maintenance, and to serve on the Board of Directors. He noted that volunteers are encouraged to call Randy or Vickie Koppenheffer at 657-1438. It is noted that without assistance from the community, it is possible that Koons Pool may not open this summer season.

Mr. Wolfe noted that the Dauphin County Solid Waste Management Program has announced an electronic recycling collection event for May 20th at the campus of Harrisburg Area Community College from 9 a.m. to 1 p.m. He explained that Dauphin County would

provide for the collection of electronic items including; answering machines, camcorders, CD players, copiers, computers, TV, stereo equipment, printers, VCR, word processors, microwave ovens and similar electronic items.

Mr. Wolfe noted that open burning is not permitted in Lower Paxton Township unless it is a recreational fire, campfire, barbecue or chiminea. He noted that it has been a very dry spring in the area, and open burning could be hazardous to the community.

Mr. Wolfe noted that the Township's Leaf Waste Collection Program started this week with collection crews collecting on a scheduled basis, Monday through Friday. He noted that the collected items are deposited at the Township's compost facility, and acceptable items include leaves, tree and shrub trimmings, and garden waste. He noted that grass is not accepted as a leaf waste item as it is part of the normal trash collection. He noted that this program is available to residents at a cost of \$66 per year, and will continue until December. He noted that items are not permitted to be placed in plastic bags, rather they must be placed in a trashcan or Kraft bag. He noted that trashcans cannot be larger than 32 gallons.

Mr. Wolfe noted that the compost facility is open and residents may take items to the facility on Tuesdays, Thursdays, and Saturdays from 7:30 a.m. to 5 p.m.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Proclamation 2006-01; Designating Arbor Day in Lower Paxton Township

Mr. Hawk noted that the Township would like to designate Arbor Day in Lower Paxton Township to be April 25, 2006. Mr. Hawk then read the proclamation. Now therefore, the Board of Supervisors proclaims April 25 as Arbor Day in Lower Paxton Township, and urges all

citizens to support efforts to protect our trees and woodlands, and to support our township's urban forestry program.

Mr. Crissman moved to recommend the acceptance of Proclamation 2006-01 proclaiming that April 25, 2006 be acknowledged as Arbor Day in Lower Paxton Township. Mr. Blain seconded the motion. A unanimous voice vote followed.

Change Order #2 for the PC-3D mini-basin rehabilitation contract

Mr. Wolfe explained that the contract with Rogele Incorporated for the Paxton Creek 3D mini-basin provides a time extension for the completion of services, and this will not result in an increase or decrease in project costs. He noted that the original contract deadline called for completion on July 28, 2006, and the new extension would be August 27, 2006. He noted that the contract is for lateral lining, and staff recommends the approval of the change order to extend the time for completion.

Mr. Crissman made a motion to accept Change Order #2 for an extension in the service contract for the PC-3D mini-basin rehabilitation contract as outlined by Mr. Wolfe. Mr. Blain seconded motion; and a unanimous voice vote followed.

Revised preliminary/final land development plan for Allentown Boulevard Storage

Ms. Moran explained that the plan was approved by the Board of Supervisors at its June 7, 2005 meeting (previously plan for Allentown Boulevard Storage #04-31). This plan represents the following revision to the approved plan: 1) The carwash building is rotated approximately 45 degrees from the original submission, and 2) An eighteen-foot-one-way driveway width has been provided. The purpose of this land development plan is to construct a two-bay automatic car wash in the northwest corner of the property. The property is located east of Blue Ribbon Avenue along Allentown Boulevard and will be served with an on-lot well and public sewer. The property is zoned L-1, Light Industrial District and contains 8.2 acres. On February 8, 2006

the Lower Paxton Township Planning Commission recommended approval of the above referenced plan.

The applicant requested and was granted the following waivers: 1) Waiver of the requirement to submit a preliminary plan; 2) Waiver of the requirement to provide sidewalks along the frontage of U.S. Route 22; 3) Plan approval shall be subject to providing original seals and signatures on the plan; 4) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 5) Plan approval shall be subject to the payment of the engineering review fees; 6) Plan approval shall be subject to the Lower Paxton Township Sewer Department's review and approval; 7) Plan approval shall be subject to the planning module approval; 8) Plan approval shall be subject to addressing all comments of Dauphin Engineering; 9) A Street/Storm Sewer Construction Permit is required for construction of stormwater facilities; and 10) Signage was granted by variance for Allentown Boulevard. No additional signage is available for this site.

Ms. Moran noted that Mr. William Laird was present to represent the plan.

Mr. Seeds noted that the larger driveway provides for a much better plan. Mr. Hawk noted that the Board previously approved the plan on June 7, 2005, and the Planning Commission approved the plan on February 8, 2006.

Mr. Crissman questioned Mr. Laird if he was in agreement to the two waivers, six general conditions, and two staff comments. Mr. Laird answered that he was in agreement with all the comments.

Mr. Hornung thanked Mr. Laird for the donation to the Lower Paxton Township Recreational Fund, noting it was a very kind thing to do.

Mr. Crissman made a motion to approve the revised preliminary /final land development plan for 2006-01 for Allentown Boulevard Storage with the following waivers: 1) Waiver of the

requirement to submit a preliminary plan; 2) Waiver of the requirement to provide sidewalks along the frontage of U.S. Route 22; 3) Plan approval shall be subject to providing original seals and signatures on the plan; 4) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 5) Plan approval shall be subject to the payment of the engineering review fees; 6) Plan approval shall be subject to the Lower Paxton Township Sewer Department's review and approval; 7) Plan approval shall be subject to the planning module approval; 8) Plan approval shall be subject to addressing all comments of Dauphin Engineering; 9) A Street/Storm Sewer Construction Permit is required for construction of stormwater facilities; and 10) Signage was granted by variance for Allentown Boulevard. No additional signage is available for this site.

Mr. Blain seconded the motion and the Supervisors were polled as follows: Mr. Blain - aye; Mr. Crissman - aye; Mr. Hornung - aye; Mr. Seeds - aye; Mr. Hawk - aye.

Extension of the preliminary subdivision plan for Autumn Ridge

Mr. Hawk noted that Mr. Kerschner of Fine Line Homes had requested a modification to the phasing schedule to provide for the commencement of the Phase IV of the Autumn Ridge work for 2007. Mr. Wolfe noted that the Township has provided extensions, in the past, due to the delays in the Beaver Creek Sanitary Sewer System.

Mr. Blain made a motion to recommend the extension of the preliminary subdivision plan for Autumn Ridge, Phase IV until 2007.

Mr. Crissman seconded the motion and the Supervisors were polled as follows: Mr. Blain - aye; Mr. Crissman - aye; Mr. Hornung - aye; Mr. Seeds - aye; Mr. Hawk - aye.

Mr. Hawk noted that the following three items on the agenda are linked together and suggested taking the developers agreement first.

Developer's agreement with Kevin Ricker for the Old Iron Estates subdivision plan

Mr. Hawk noted that that the major item of concern is regarding the eight comments from Herbert, Rowland, and Grubic, Inc. (HRG). He noted that that the developer is in agreement with the consent agreement.

Mr. Eric Pierce, attorney for Mr. Ricker, noted that Mr. Stine has indicated to him that there was a memo, prepared by HRG, Inc. that he had not reviewed. He noted that Dawood Engineering, who was supposed to be in attendance at the meeting, submitted a replacement waiver. Mr. Pierce requested time to review the memo from HRG, Inc. Mr. Hawk questioned if Mr. Pierce wanted to table his request to allow him time to review the documents. Mr. Pierce answered that the project had been under a "notice of violation", which has given rise to non-permitting circumstances, and he would like to get past that. He requested a few minutes to review the letter from HRG with his client.

Mr. Stine suggested to Mr. Hawk that he could move to the next item on the agenda.

IMPROVEMENT GUARANTEES

Community General Osteopathic Hospital/Rehab Hospital Expansion

Reduction in a letter of credit with Wachovia Bank in the amount of \$17,160.00 with an expiration date of February 1, 2007.

Dunkin Donuts/Baskin Robbins

New letter of credit with Commerce Bank in the amount of \$35,343.00 with an expiration date of March 17, 2007.

American Legion, Post 272

Release from a letter of credit with Commerce Bank in the amount of \$6,083.50.

Mr. Crissman made a motion to approve the improvement guarantees as presented. Mr. Blain seconded the motion, and a unanimous vote followed.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion, and a unanimous vote followed.

Announcements

Mr. Wolfe noted that the Easter Egg Hunt sponsored by the Parks and Recreation Department would take place on April 8, 2006 at Brightbill Park at 1:00 p.m.

Developer's agreement with Kevin Ricker for the Old Iron Estates subdivision plan (continued)

Wavier request for the preliminary subdivision plan of Old Iron Estates

Final subdivision plan for Old Iron Estates, Phase II

Mr. Pierce noted that, for the most part, he is in agreement with the Developer's Agreement as provided by the Township Solicitor. Mr. Crissman suggested if there were numerous issues with each item, that this be tabled until an agreement can be made. Mr. Pierce answered that he did not have an issue with each item.

Mr. Pierce noted that he had no issues with items two or three, but there was an issue with the brick pavers which is the subject matter of the memo he just reviewed. Mr. Stine questioned if the issues were included in the consent agreement, or in the HRG memo. Mr. Stine noted that Mr. Pierce did not have an issue with item four in the consent agreement. Mr. Pierce agreed, but item four specifically refers to Exhibit A, which was submitted by the owner/developer/engineer.

Mr. Stine questioned if there were any issues with the language of the consent agreement. Mr. Pierce noted that number six is inconsistent with discussions that were had by several members who were present at the meeting held with staff at the Township. He noted that it was contemplated that he would receive approval on Phase II, so that the road could be constructed, to allow the developer to do some experimental installation in connection with this paver issue.

He noted that the developer is attempting to reduce the flow of heavy equipment across the pavers to enter and exit the project for Phase II. He noted that Mr. Wolfe and Mr. Hornung were present at this meeting.

Mr. Pierce suggested that he does not know what the disposition will be on Phase II, and this could jeopardize the timeline set for item six of the consent decree. He noted that if his client enjoys a civil penalty of \$500 a day for each item that remains incomplete after that deadline, he finds this objectionable. He stated that the deadline should be expanded. Mr. Stine noted that there needs to be a deadline. Mr. Pierce suggested an 18-month deadline. Mr. Hawk questioned if December 31, 2006 was too restrictive. Mr. Pierce answered that it was. Mr. Ricker noted that it might be better to set a time frame based upon a certain period of time after the pavers have been set. He noted that the time frame is needed after an intersection is completed, then he could proceed with the rest of the pavers. He suggested that the Township could request that the pavers be installed for six months before anything could be done with the other ones, and if the six-month time period ends on December 16, 2006, it might be hard to install blacktop or concrete at that time of the year. He noted that the Township has not told him how long they want the pavers to be down before they could be approved.

Mr. Hornung noted that the intent was that the new paver system be in effect by this time. He noted that the remediation and final conclusion for the pavers may be done later, but he suggested that some type of language be added to state that the new brick paver system be installed and in-place by the deadline time, to allow for a trial period, to make an evaluation of the pavers prior to giving approval for the other areas.

Mr. Wolfe noted that he tried to make the agreement as simple as possible. He noted that the language for staging does not address the issue if the experiment does not work. He noted that a far more specific agreement could be written. Mr. Pierce noted that he did not have an

objection, but stated that this area is not clear, and he suggested that he would expose his client to a monetary risk if the language is not cleaned up in provision six.

Mr. Hornung noted that the current pavers are not warranted for the purpose that Mr. Ricker is using them. He noted that the pavers should be 3.125 inches thick and the current ones are only 2 inches thick. He noted that he was concerned that the bond letter only arrived at 6: p.m. this date. Mr. Wolfe explained that he only received the fax from Fulton Bank today at 5:30 p.m. Mr. Pierce noted that he moved as quickly as he could to get Fulton Bank to issue the letter of credit. Mr. Wolfe noted that the Board members prefer to have the information by the Friday prior to the scheduled meeting.

Mr. Hornung suggested that Mr. Pierce and Mr. Stine should meet to discuss the agreement.

Mr. Hawk noted that three documents are needed; the comments from HRG, the consent agreement, and the developer's agreement.

Mr. Hornung suggested that these three items be discussed at a special meeting held prior to the start of the next workshop meeting on April 11, 2006. Mr. Wolfe noted that he could advertise for this special meeting to meet the Sunshine Law regulations.

Mr. Hawk suggested that this would be a good idea, and it would only hold up the plan for six days. It was noted that Mr. Ricker, Mr. Pierce, Mr. Stine, Mr. Hornung, Mr. Wolfe, and Mr. Snyder would meet on April 5, 2006 at 4 p.m. to resolve the outstanding issues.

Mr. Crissman made a motion to table the waiver request for the preliminary subdivision plan for Old Iron Estates 93-47; final subdivision plan for Old Iron Estates, Phase II; and the Developer's Agreement with Kevin Ricker for the Old Iron Estates subdivision plan.

Mr. Blain seconded the motion and the Supervisors were polled as follows: Mr. Blain - aye; Mr. Crissman - aye; Mr. Hornung - aye; Mr. Seeds - aye; Mr. Hawk - aye.

Mr. Stine requested Mr. Pierce to forward any draft language information to him as soon as possible.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 8:17 p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman
Township Secretary